

**ASSEMBLY BILL**

**No. 2051**

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**Introduced by Assembly Member Cohn**

February 15, 2006

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An act to amend Sections 298 and 298.5 of the Family Code, to amend Section 124250 of the Health and Safety Code, to amend Sections 13519, 13823.15, and 13823.16 of, and to add Section 13823.17 to, the Penal Code, relating to domestic violence, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2051, as introduced, Cohn. Domestic violence.

Existing law requires the Secretary of State to establish fees for the costs of processing forms for registering domestic partnerships.

This bill would establish a fee of \$23 to be imposed upon persons registering as domestic partners to develop and support a training curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse, support service providers who serve that community in regard to domestic violence, and to provide brochures specific to lesbian, gay, bisexual, and transgender domestic abuse, as specified. The bill would establish the Equality in Prevention and Services for Domestic Abuse Fund, a continuously appropriated fund, for the deposit and use of those fees.

Existing law requires the Secretary of State to return a copy of the certificate of registration to registered domestic partners.

This bill would also require a brochure specific to lesbian, gay, bisexual, and transgender domestic abuse accompany the copy of the certificate.

Existing law requires the State Department of Health Services to administer a program of grants to support battered women's shelters.

Existing law also establishes a council to advise the department for those purposes.

This bill would revise the grant program to address battered victims, and would include the lesbian, gay, bisexual, and transgender community for certain purposes of the grant program. The bill would also require membership on the council by representatives of the lesbian, gay, bisexual and transgender community.

Existing law requires specified training for law enforcement officers in regard to domestic violence.

This bill would additionally require in that training program, training in domestic violence regarding the lesbian, gay, bisexual and transgender community.

Existing law requires the Office of Emergency Services to conduct statewide training workshops on domestic violence for local centers, law enforcement, and other service providers designed to enhance service programs. Existing law also requires that office to develop and disseminate throughout the state information and materials concerning domestic violence. Existing law also establishes a council to advise the office for these purposes.

This bill would require the training workshops to also include a curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse. The bill would require the program address battered persons. The bill would also require membership on the council by at least one representative of the lesbian, gay, bisexual and transgender community.

Existing law establishes a grant program administered by the Office of Emergency Services for specified service providers relative to domestic violence.

This bill would establish a similar grant program administered by the State Department of Health Services, and funded by the Equality in Domestic Abuse Prevention and Services Fund for grants to service providers primarily serving the lesbian, gay, bisexual, and transgender community relative to domestic abuse. The bill would authorize the use by the State Department of Health Services of funds from the Equality in Domestic Abuse Prevention and Services Fund to distribute a brochure specific to lesbian, gay, bisexual, and transgender domestic abuse.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. This act shall be known and may be cited as the  
2     “Equality in Prevention and Services for Domestic Abuse Act.”

3     SEC. 2. Section 298 of the Family Code is amended to read:

4     298. (a) The Secretary of State shall prepare forms entitled  
5     “Declaration of Domestic Partnership” and “Notice of  
6     Termination of Domestic Partnership” to meet the requirements  
7     of this division. These forms shall require the signature and seal  
8     of an acknowledgment by a notary public to be binding and  
9     valid.

10    (b) (1) The Secretary of State shall distribute these forms to  
11    each county clerk. These forms shall be available to the public at  
12    the office of the Secretary of State and each county clerk.

13    (2) The Secretary of State shall, by regulation, establish fees  
14    for the actual costs of processing each of these forms, and the  
15    cost for preparing and sending the mailings and notices required  
16    pursuant to Section 299.3, and shall charge these fees to persons  
17    filing the forms.

18    (3) *There is hereby established a fee of twenty-three dollars*  
19    *(\$23) for development and support of a lesbian, gay, bisexual,*  
20    *and transgender curriculum for training workshops on domestic*  
21    *violence, conducted pursuant to Section 13823.15 of the Penal*  
22    *Code, and for the support of service providers who serve the that*  
23    *community in connection with domestic violence, provided*  
24    *however, that no more than 8 percent of the fee go to*  
25    *administrative costs in connection with funding service*  
26    *providers. The Secretary of State shall charge that fee to persons*  
27    *filing domestic partner registrations. The fee shall also be used*  
28    *to fund printing and distribution of a lesbian, gay, bisexual, and*  
29    *transgender specific domestic abuse brochure pursuant to*  
30    *Section 298.5 of this code and Section 13823.17 of the Penal*  
31    *Code.*

32    (4) *The fee established by paragraph (3) shall be deposited in*  
33    *the Equality in Prevention and Services for Domestic Abuse*  
34    *Fund, which is hereby established. The fund shall be*  
35    *continuously appropriated, and administered by the State*  
36    *Department of Health Services, and expenditures from the fund*  
37    *shall be used to support the purposes of paragraph (3).*

(c) The Declaration of Domestic Partnership shall require each person who wants to become a domestic partner to (1) state that he or she meets the requirements of Section 297 at the time the form is signed, (2) provide a mailing address, (3) state that he or she consents to the jurisdiction of the Superior Courts of California for the purpose of a proceeding to obtain a judgment of dissolution or nullity of the domestic partnership or for legal separation of partners in the domestic partnership, or for any other proceeding related to the partners' rights and obligations, even if one or both partners ceases to be a resident of, or to maintain a domicile in, this state, (4) sign the form with a declaration that representations made therein are true, correct, and contain no material omissions of fact to the best knowledge and belief of the applicant, and (5) have a notary public acknowledge his or her signature. Both partners' signatures shall be affixed to one Declaration of Domestic Partnership form, which form shall then be transmitted to the Secretary of State according to the instructions provided on the form. Filing an intentionally and materially false Declaration of Domestic Partnership shall be punishable as a misdemeanor.

SEC. 3. Section 298.5 of the Family Code is amended to read:

298.5. (a) Two persons desiring to become domestic partners may complete and file a Declaration of Domestic Partnership with the Secretary of State.

(b) The Secretary of State shall register the Declaration of Domestic Partnership in a registry for those partnerships, and shall return a copy of the registered form and a Certificate of Registered Domestic Partnership, *along with a lesbian, gay, bisexual, and transgender specific domestic abuse brochure*, to the domestic partners at the mailing address provided by the domestic partners.

(c) No person who has filed a Declaration of Domestic Partnership may file a new Declaration of Domestic Partnership or enter a civil marriage with someone other than their registered domestic partner unless the most recent domestic partnership has been terminated or a final judgment of dissolution or nullity of the most recent domestic partnership has been entered. This prohibition does not apply if the previous domestic partnership ended because one of the partners died.

SEC. 4. Section 124250 of the Health and Safety Code is amended to read:

124250. (a) The following definitions shall apply for purposes of this section:

(1) “Domestic violence” means the infliction or threat of physical harm against past or present adult or adolescent ~~female~~ intimate partners, and shall include physical, sexual, and psychological abuse against the ~~woman~~ *victim and the victim’s children*, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over, that ~~woman~~ *victim*.

(2) “Shelter-based” means an established system of services where battered ~~women~~ *victims* and their children may be provided safe or confidential emergency housing on a 24-hour basis, including, but not limited to, hotel or motel arrangements, haven, and safe houses.

(3) “Emergency shelter” means a confidential or safe location that provides emergency housing on a 24-hour basis for battered ~~women~~ *victims* and their children.

(b) The Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based services grant program to battered ~~women’s~~ *victims’* shelters pursuant to this section.

(c) The Maternal and Child Health Branch shall administer grants, awarded as the result of a request for application process, to battered ~~women’s~~ *victims’* shelters that propose to maintain shelters or services previously granted funding pursuant to this section, to expand existing services or create new services, and to establish new battered ~~women’s~~ *victims’* shelters to provide services, in any of the following four areas:

(1) Emergency shelter to ~~women~~ *victims* and their children escaping violent family situations.

(2) Transitional housing programs to help ~~women~~ *victims* and their children find housing and jobs so that they are not forced to choose between returning to a violent relationship or becoming homeless. The programs may offer up to 18 months of housing, case management, job training and placement, counseling, support groups, and classes in parenting and family budgeting.

1 (3) Legal and other types of advocacy and representation to  
2 help ~~women~~ *victims* and their children pursue the appropriate  
3 legal options.

4 (4) Other support services for battered ~~women~~ *victims* and  
5 their children.

6 (d) (1) The Maternal and Child Health Branch of the State  
7 Department of Health Services shall conduct a minimum of one  
8 site visit per grant term to each agency funded to provide  
9 shelter-based services to battered ~~women~~ *victims* and their  
10 children. The purpose of the site visit shall be a performance  
11 assessment of, and technical assistance for, each agency visited.  
12 The performance assessment shall include, but need not be  
13 limited to, a review of all of the following:

14 (A) Progress in meeting program goals and objectives.

15 (B) Agency organization and facilities.

16 (C) Personnel policies, files, and training.

17 (D) Recordkeeping, budgeting, and expenditures.

18 (E) Documentation, data collection, and client confidentiality.

19 (2) Subsequent to each site visit conducted under paragraph  
20 (1), the Maternal and Child Health Branch shall provide a written  
21 report to the agency summarizing the agency's performance, any  
22 deficiencies noted, and any corrective action needed.

23 (3) Where an agency receives funding from both the Maternal  
24 and Child Health Branch of the State Department of Health  
25 Services and the Domestic Violence Branch of the Office of  
26 Criminal Justice Planning during any grant cycle, the Maternal  
27 and Child Health Branch and the Domestic Violence Branch  
28 shall, to the extent feasible, coordinate agency site visits and  
29 share performance assessment data with the goal of improving  
30 efficiency, eliminating duplication, and reducing administrative  
31 costs.

32 (e) In implementing the grant program pursuant to this section,  
33 the State Department of Health Services shall consult with an  
34 advisory council that shall remain in existence until January 1,  
35 2010. The council shall be composed of not to exceed 13 voting  
36 members and two nonvoting members appointed as follows:

37 (1) Seven members appointed by the Governor.

38 (2) Three members appointed by the Speaker of the Assembly.

39 (3) Three members appointed by the Senate Committee on  
40 Rules.

1 (4) Two nonvoting ex officio members who shall be Members  
2 of the Legislature, one appointed by the Speaker of the Assembly  
3 and one appointed by the Senate Committee on Rules. Any  
4 Member of the Legislature appointed to the council shall meet  
5 with, and participate in the activities of, the council to the extent  
6 that participation is not incompatible with his or her position as a  
7 Member of the Legislature.

8 The membership of the council shall consist of domestic  
9 violence advocates, battered women service providers, and  
10 representatives of women's organizations, law enforcement, and  
11 other groups involved with domestic violence, *and at least one*  
12 *representative of service providers serving the lesbian, gay,*  
13 *bisexual, and transgender community for purposes of domestic*  
14 *violence.* At least one-half of the council membership shall  
15 consist of domestic violence advocates or battered women  
16 service providers from organizations such as the California  
17 Alliance Against Domestic Violence.

18 It is the intent of the Legislature that the council membership  
19 reflect the ethnic, racial, cultural, and geographic diversity of the  
20 state.

21 (f) The department shall collaborate closely with the council in  
22 the development of funding priorities, the framing of the Request  
23 for Proposals, and the solicitation of proposals.

24 (g) (1) The Maternal and Child Health Branch of the State  
25 Department of Health Services shall administer grants, awarded  
26 as the result of a request for application process, to agencies to  
27 conduct demonstration projects to serve ~~battered women victims~~  
28 *and their children*, including, but not limited to, creative and  
29 innovative service approaches, such as community response  
30 teams and pilot projects to develop new interventions  
31 emphasizing prevention and education, and other support  
32 projects identified by the advisory council.

33 (2) For purposes of this subdivision, "agency" means a state  
34 agency, a local government, a community-based organization, or  
35 a nonprofit organization.

36 (h) It is the intent of the Legislature that services funded by  
37 this program include services in underserved *communities,*  
38 *including the lesbian, gay, bisexual, and transgender community,*  
39 and ethnic and racial communities. Therefore, the Maternal and

1 Child Health Branch of the State Department of Health Services  
2 shall do all of the following:

3 (1) Fund shelters pursuant to this section that reflect the  
4 ethnic, racial, economic, cultural, and geographic diversity of the  
5 state.

6 (2) Target geographic areas and ethnic and racial communities  
7 of the state whereby, based on a needs assessment, it is  
8 determined that no shelter-based services exist or that additional  
9 resources are necessary.

10 (i) The director may award additional grants to shelter-based  
11 agencies when it is determined that there exists a critical need for  
12 shelter or shelter-based services.

13 (j) As a condition of receiving funding pursuant to this section,  
14 battered ~~women's~~ *victims'* shelters shall do all of the following:

15 (1) Provide matching funds or in-kind contributions equivalent  
16 to not less than 20 percent of the grant they would receive. The  
17 matching funds or in-kind contributions may come from other  
18 governmental or private sources.

19 (2) Ensure that appropriate staff and volunteers having client  
20 contact meet the definition of "domestic violence counselor" as  
21 specified in subdivision (a) of Section 1037.1 of the Evidence  
22 Code. The minimum training specified in paragraph (2) of  
23 subdivision (a) of Section 1037.1 of the Evidence Code shall be  
24 provided to those staff and volunteers who do not meet the  
25 requirements of paragraph (1) of subdivision (a) of Section  
26 1037.1 of the Evidence Code.

27 SEC. 5. Section 13519 of the Penal Code is amended to read:

28 13519. (a) The commission shall implement by January 1,  
29 1986, a course or courses of instruction for the training of law  
30 enforcement officers in California in the handling of domestic  
31 violence complaints and also shall develop guidelines for law  
32 enforcement response to domestic violence. The course or  
33 courses of instruction and the guidelines shall stress enforcement  
34 of criminal laws in domestic violence situations, availability of  
35 civil remedies and community resources, and protection of the  
36 victim. Where appropriate, the training presenters shall include  
37 domestic violence experts with expertise in the delivery of direct  
38 services to victims of domestic violence, including utilizing the  
39 staff of shelters for battered ~~women~~ *victims* in the presentation of  
40 training.

(b) As used in this section, “law enforcement officer” means any officer or employee of a local police department or sheriff’s office, any peace officer of the Department of Parks and Recreation, as defined in subdivision (f) of Section 830.2, any peace officer of the University of California Police Department, as defined in subdivision (b) of Section 830.2, any peace officer of the California State University Police Departments, as defined in subdivision (c) of Section 830.2, a peace officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.

(c) The course of basic training for law enforcement officers shall, no later than January 1, 1986, include adequate instruction in the procedures and techniques described below:

(1) The provisions set forth in Title 5 (commencing with Section 13700) relating to response, enforcement of court orders, and data collection.

(2) The legal duties imposed on police officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests.

(3) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim.

(4) The nature and extent of domestic violence, *including domestic violence in the lesbian, gay, bisexual, and transgender community*.

(5) The signs of domestic violence.

(6) The legal rights of, and remedies available to, victims of domestic violence.

(7) The use of an arrest by a private person in a domestic violence situation.

(8) Documentation, report writing, and evidence collection.

(9) Domestic violence diversion as provided in Chapter 2.6 (commencing with Section 1000.6) of Title 6 of Part 2.

(10) Tenancy issues and domestic violence.

(11) The impact on children of law enforcement intervention in domestic violence.

(12) The services and facilities available to victims and batterers.

(13) The use and applications of this code in domestic violence situations.

1 (14) Verification and enforcement of temporary restraining  
2 orders when (A) the suspect is present and (B) the suspect has  
3 fled.

4 (15) Verification and enforcement of stay-away orders.

5 (16) Cite and release policies.

6 (17) Emergency assistance to victims and how to assist  
7 victims in pursuing criminal justice options.

8 (d) The guidelines developed by the commission shall also  
9 incorporate the foregoing factors.

10 (e) (1) All law enforcement officers who have received their  
11 basic training before January 1, 1986, shall participate in  
12 supplementary training on domestic violence subjects, as  
13 prescribed and certified by the commission.

14 (2) Except as provided in paragraph (3), the training specified  
15 in paragraph (1) shall be completed no later than January 1, 1989.

16 (3) (A) The training for peace officers of the Department of  
17 Parks and Recreation, as defined in subdivision (g) of Section  
18 830.2, shall be completed no later than January 1, 1992.

19 (B) The training for peace officers of the University of  
20 California Police Department and the California State University  
21 Police Departments, as defined in Section 830.2, shall be  
22 completed no later than January 1, 1993.

23 (C) The training for peace officers employed by a housing  
24 authority, as defined in subdivision (d) of Section 830.31, shall  
25 be completed no later than January 1, 1995.

26 (4) Local law enforcement agencies are encouraged to include,  
27 as a part of their advanced officer training program, periodic  
28 updates and training on domestic violence. The commission shall  
29 assist where possible.

30 (f) (1) The course of instruction, the learning and performance  
31 objectives, the standards for the training, and the guidelines shall  
32 be developed by the commission in consultation with appropriate  
33 groups and individuals having an interest and expertise in the  
34 field of domestic violence, *including lesbian, gay, bisexual, and*  
35 *transgender domestic violence*. The groups and individuals shall  
36 include, but shall not be limited to, the following: one  
37 representative each from the California Peace Officers'  
38 Association, the Peace Officers' Research Association of  
39 California, the State Bar of California, the California Women  
40 Lawyers' Association, and the State Commission on the Status of

1 Women; two representatives from the commission; two  
2 representatives from the California Alliance Against Domestic  
3 Violence; two peace officers, recommended by the commission,  
4 who are experienced in the provision of domestic violence  
5 training; and two domestic violence experts, recommended by  
6 the California Alliance Against Domestic Violence, who are  
7 experienced in the provision of direct services to victims of  
8 domestic violence. At least one of the persons selected shall be a  
9 former victim of domestic violence.

10 (2) The commission, in consultation with these groups and  
11 individuals, shall review existing training programs to determine  
12 in what ways domestic violence training might be included as a  
13 part of ongoing programs.

14 (g) Each law enforcement officer below the rank of supervisor  
15 who is assigned to patrol duties and would normally respond to  
16 domestic violence calls or incidents of domestic violence shall  
17 complete, every two years, an updated course of instruction on  
18 domestic violence that is developed according to the standards  
19 and guidelines developed pursuant to subdivision (d). The  
20 instruction required pursuant to this subdivision shall be funded  
21 from existing resources available for the training required  
22 pursuant to this section. It is the intent of the Legislature not to  
23 increase the annual training costs of local government entities.

24 SEC. 6. Section 13823.15 of the Penal Code is amended to  
25 read:

26 13823.15. (a) The Legislature finds the problem of domestic  
27 violence to be of serious and increasing magnitude. The  
28 Legislature also finds that existing domestic violence services are  
29 underfunded and that some areas of the state are unserved or  
30 underserved. Therefore, it is the intent of the Legislature that a  
31 goal or purpose of the Office of Emergency Services (OES) shall  
32 be to ensure that all victims of domestic violence served by the  
33 OES Comprehensive Statewide Domestic Violence Program  
34 receive comprehensive, quality services.

35 (b) There is in the OES a Comprehensive Statewide Domestic  
36 Violence Program. The goals of the program shall be to provide  
37 local assistance to existing service providers, to maintain and  
38 expand services based on a demonstrated need, and to establish a  
39 targeted or directed program for the development and  
40 establishment of domestic violence services in currently unserved

1 and underserved areas. The OES shall provide financial and  
2 technical assistance to local domestic violence centers in  
3 implementing all of the following services:

- 4 (1) Twenty-four-hour crisis hotlines.
- 5 (2) Counseling.
- 6 (3) Business centers.
- 7 (4) Emergency “safe” homes or shelters for victims and  
8 families.
- 9 (5) Emergency food and clothing.
- 10 (6) Emergency response to calls from law enforcement.
- 11 (7) Hospital emergency room protocol and assistance.
- 12 (8) Emergency transportation.
- 13 (9) Supportive peer counseling.
- 14 (10) Counseling for children.
- 15 (11) Court and social service advocacy.
- 16 (12) Legal assistance with temporary restraining orders,  
17 devices, and custody disputes.
- 18 (13) Community resource and referral.
- 19 (14) Household establishment assistance.

20 Priority for financial and technical assistance shall be given to  
21 emergency shelter programs and “safe” homes for victims of  
22 domestic violence and their children.

23 (c) Except as provided in subdivision (f), the OES and the  
24 advisory committee established pursuant to Section 13823.16  
25 shall collaboratively administer the Comprehensive Statewide  
26 Domestic Violence Program, and shall allocate funds to local  
27 centers meeting the criteria for funding. All organizations funded  
28 pursuant to this section shall utilize volunteers to the greatest  
29 extent possible.

30 The centers may seek, receive, and make use of any funds  
31 which may be available from all public and private sources to  
32 augment any state funds received pursuant to this section.

33 Centers receiving funding shall provide cash or an in-kind  
34 match of at least 10 percent of the funds received pursuant to this  
35 section.

36 (d) The OES shall conduct statewide training workshops on  
37 domestic violence for local centers, law enforcement, and other  
38 service providers designed to enhance service programs. The  
39 workshops shall be planned in conjunction with practitioners and  
40 experts in the field of domestic violence prevention. *The*

1 *workshops shall include a curriculum on lesbian, gay, bisexual,*  
2 *and transgender specific domestic abuse.*

3 (e) The OES shall develop and disseminate throughout the  
4 state information and materials concerning domestic violence.  
5 The OES shall also establish a resource center for the collection,  
6 retention, and distribution of educational materials related to  
7 domestic violence. The OES may utilize and contract with  
8 existing domestic violence technical assistance centers in this  
9 state in complying with the requirements of this subdivision.

10 (f) The funding process for distributing grant awards to  
11 domestic violence shelter service providers (DVSSPs) shall be  
12 administered by the OES as follows:

13 (1) The OES shall establish each of the following:

14 (A) The process and standards for determining whether to  
15 grant, renew, or deny funding to any DVSSP applying or  
16 reapplying for funding under the terms of the program.

17 (B) For DVSSPs applying for grants under the RFP process  
18 described in paragraph (2), a system for grading grant  
19 applications in relation to the standards established pursuant to  
20 subparagraph (A), and an appeal process for applications that are  
21 denied. A description of this grading system and appeal process  
22 shall be provided to all DVSSPs as part of the application  
23 required under the RFP process.

24 (C) For DVSSPs reapplying for funding under the RFA  
25 process described in paragraph (4), a system for grading the  
26 performance of DVSSPs in relation to the standards established  
27 pursuant to subparagraph (A), and an appeal process for  
28 decisions to deny or reduce funding. A description of this grading  
29 system and appeal process shall be provided to all DVSSPs  
30 receiving grants under this program.

31 (2) Grants for shelters that were not funded in the previous  
32 cycle shall be awarded as a result of a competitive request for  
33 proposal (RFP) process. The RFP process shall comply with all  
34 applicable state and federal statutes for domestic violence shelter  
35 funding, and to the extent possible, the response to the RFP shall  
36 not exceed 25 narrative pages, excluding attachments.

37 (3) Grants shall be awarded to DVSSPs that propose to  
38 maintain shelters or services previously granted funding pursuant  
39 to this section, to expand existing services or create new services,  
40 or to establish new domestic violence shelters in underserved or

1 unserved areas. Each grant shall be awarded for a three-year  
2 term.

3 (4) DVSSPs reapplying for grants shall not be subject to a  
4 competitive grant process, but shall be subject to a request for  
5 application (RFA) process. The RFA process shall consist in part  
6 of an assessment of the past performance history of the DVSSP  
7 in relation to the standards established pursuant to paragraph (1).  
8 The RFA process shall comply with all applicable state and  
9 federal statutes for domestic violence center funding, and to the  
10 extent possible, the response to the RFA shall not exceed 10  
11 narrative pages, excluding attachments.

12 (5) Any DVSSP funded through this program in the previous  
13 grant cycle, including any DVSSP funded by Chapter 707 of the  
14 Statutes of 2001, shall be funded upon reapplication, unless,  
15 pursuant to the assessment required under the RFA process, its  
16 past performance history fails to meet the standards established  
17 by the OES pursuant to paragraph (1).

18 (6) The OES shall conduct a minimum of one site visit every  
19 three years for each DVSSP funded pursuant to this subdivision.  
20 The purpose of the site visit shall be to conduct a performance  
21 assessment of, and provide subsequent technical assistance for,  
22 each shelter visited. The performance assessment shall include,  
23 but need not be limited to, a review of all of the following:

24 (A) Progress in meeting program goals and objectives.

25 (B) Agency organization and facilities.

26 (C) Personnel policies, files, and training.

27 (D) Recordkeeping, budgeting, and expenditures.

28 (E) Documentation, data collection, and client confidentiality.

29 (7) After each site visit conducted pursuant to paragraph (6),  
30 the OES shall provide a written report to the DVSSP  
31 summarizing the performance of the DVSSP, any deficiencies  
32 noted, any corrective action needed, and a deadline for corrective  
33 action to be completed. The OES shall also develop a corrective  
34 action plan for verifying the completion of any corrective action  
35 required. The OES shall submit its written report to the DVSSP  
36 no more than 60 days after the site visit. No grant under the RFA  
37 process shall be denied if the DVSSP has not received a site visit  
38 during the previous three years, unless the OES is aware of  
39 criminal violations relative to the administration of grant funding.

1 (8) DVSSPs receiving written reports of deficiencies or orders  
2 for corrective action after a site visit shall be given no less than  
3 six months' time to take corrective action before the deficiencies  
4 or failure to correct may be considered in the next RFA process.  
5 However, the OES shall have the discretion to reduce the time to  
6 take corrective action in cases where the deficiencies present a  
7 significant health or safety risk or when other severe  
8 circumstances are found to exist. If corrective action is deemed  
9 necessary, and a DVSSP fails to comply, or if other deficiencies  
10 exist that, in the judgment of the OES, cannot be corrected, the  
11 OES shall determine, using its grading system, whether  
12 continued funding for the DVSSP should be reduced or denied  
13 altogether. If a DVSSP has been determined to be deficient, the  
14 OES may, at any point during the DVSSP's funding cycle  
15 following the expiration of the period for corrective action, deny  
16 or reduce any further funding.

17 (9) If a DVSSP applies or reapplies for funding pursuant to  
18 this section and that funding is denied or reduced, the decision to  
19 deny or reduce funding shall be provided in writing to the  
20 DVSSP, along with a written explanation of the reasons for the  
21 reduction or denial made in accordance with the grading system  
22 for the RFP or RFA process. Except as otherwise provided, any  
23 appeal of the decision to deny or reduce funding shall be made in  
24 accordance with the appeal process established by the OES. The  
25 appeal process shall allow a DVSSP a minimum of 30 days to  
26 appeal after a decision to deny or reduce funding. All pending  
27 appeals shall be resolved before final funding decisions are  
28 reached.

29 (10) It is the intent of the Legislature that priority for  
30 additional funds that become available shall be given to currently  
31 funded, new, or previously unfunded DVSSPs for expansion of  
32 services. However, the OES may determine when expansion is  
33 needed to accommodate underserved or unserved areas. If  
34 supplemental funding is unavailable, the OES shall have the  
35 authority to lower the base level of grants to all currently funded  
36 DVSSPs in order to provide funding for currently funded, new,  
37 or previously unfunded DVSSPs that will provide services in  
38 underserved or unserved areas. However, to the extent  
39 reasonable, funding reductions shall be reduced proportionately  
40 among all currently funded DVSSPs. After the amount of

1 funding reductions has been determined, DVSSPs that are  
2 currently funded and those applying for funding shall be notified  
3 of changes in the available level of funding prior to the next  
4 application process. Funding reductions made under this  
5 paragraph shall not be subject to appeal.

6 (11) Notwithstanding any other provision of this section, OES  
7 may reduce funding to a DVSSP funded pursuant to this section  
8 if federal funding support is reduced. Funding reductions as a  
9 result of a reduction in federal funding shall not be subject to  
10 appeal.

11 (12) Nothing in this section shall be construed to supersede  
12 any function or duty required by federal acts, rules, regulations,  
13 or guidelines for the distribution of federal grants.

14 (13) As a condition of receiving funding pursuant to this  
15 section, DVSSPs shall do all of the following:

16 (A) Provide matching funds or in-kind contributions  
17 equivalent to not less than 10 percent of the grant they would  
18 receive. The matching funds or in-kind contributions may come  
19 from other governmental or private sources.

20 (B) Ensure that appropriate staff and volunteers having client  
21 contact meet the definition of “domestic violence counselor” as  
22 specified in subdivision (a) of Section 1037.1 of the Evidence  
23 Code. The minimum training specified in paragraph (2) of  
24 subdivision (a) of Section 1037.1 of the Evidence Code shall be  
25 provided to those staff and volunteers who do not meet the  
26 requirements of paragraph (1) of subdivision (a) of Section  
27 1037.1 of the Evidence Code.

28 (14) The following definitions shall apply for purposes of this  
29 subdivision:

30 (A) “Domestic violence” means the infliction or threat of  
31 physical harm against past or present adult or adolescent ~~female~~  
32 intimate partners, including physical, sexual, and psychological  
33 abuse against the ~~woman~~ *victim and the victim’s children*, and is  
34 a part of a pattern of assaultive, coercive, and controlling  
35 behaviors directed at achieving compliance from or control over  
36 that ~~woman~~ *person* ~~person~~ *victim*.

37 (B) “Domestic violence shelter service provider” or “DVSSP”  
38 means a victim services provider that operates an established  
39 system of services providing safe and confidential emergency  
40 housing on a 24-hour basis for victims of domestic violence and

1 their children, including, but not limited to, hotel or motel  
2 arrangements, haven, and safe houses.

3 (C) “Emergency shelter” means a confidential or safe location  
4 that provides emergency housing on a 24-hour basis for victims  
5 of domestic violence and their children.

6 (g) The OES may hire the support staff and utilize all  
7 resources necessary to carry out the purposes of this section. The  
8 OES shall not utilize more than 10 percent of any funds  
9 appropriated for the purpose of the program established by this  
10 section for the administration of that program.

11 SEC. 7. Section 13823.16 of the Penal Code is amended to  
12 read:

13 13823.16. (a) The Comprehensive Statewide Domestic  
14 Violence Program established pursuant to Section 13823.15 shall  
15 be collaboratively administered by the Office of Emergency  
16 Services (OES) and an advisory council. The membership of the  
17 OES Domestic Violence Advisory Council shall consist of  
18 experts in the provision of either direct or intervention services to  
19 battered-women victims and their children, within the scope and  
20 intention of the OES Domestic Violence Assistance Program.

21 (b) The membership of the council shall consist of domestic  
22 violence victims’ advocates, battered women service providers,  
23 *at least one representative of service providers serving the*  
24 *lesbian, gay, bisexual, and transgender community in connection*  
25 *with domestic violence*, and representatives of women’s  
26 organizations, law enforcement, and other groups involved with  
27 domestic violence. At least one-half of the council membership  
28 shall consist of domestic violence victims’ advocates or battered  
29 women service providers from organizations such as the  
30 California Alliance Against Domestic Violence. It is the intent of  
31 the Legislature that the council membership reflect the ethnic,  
32 racial, cultural, and geographic diversity of the state. The council  
33 shall be composed of no more than 13 voting members and two  
34 nonvoting members who shall be appointed, as follows:

35 (1) Seven voting members shall be appointed by the Governor.

36 (2) Three voting members shall be appointed by the Speaker  
37 of the Assembly.

38 (3) Three voting members shall be appointed by the Senate  
39 Committee on Rules.

(4) Two nonvoting members shall be Members of the Legislature, one appointed by the Speaker of the Assembly and one appointed by the Senate Committee on Rules. Any Member of the Legislature appointed to the council shall meet with the council and participate in its activities to the extent that participation is not incompatible with his or her position as a Member of the Legislature.

(c) The OES shall collaborate closely with the council in developing funding priorities, framing the request for proposals, and soliciting proposals.

(d) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 8. Section 13823.17 is added to the Penal Code, to read:

13823.17. (a) The Legislature finds the problem of domestic violence in the gay, lesbian, bisexual, and transgender community to be of serious and increasing magnitude. The Legislature also finds that existing domestic violence services are underfunded and that some areas of the state are unserved or underserved. Therefore, it is the intent of the Legislature that a goal or purpose of the State Department of Health Services (DHS) shall be to ensure that all victims of domestic violence in the gay, lesbian, bisexual, and transgender community are served for purpose of domestic violence and receive comprehensive, quality services.

(b) The goal of this section is to provide local assistance to existing and new service providers, to maintain and expand services based on a demonstrated need, and to establish a targeted or directed program for the development and establishment of domestic violence services in currently unserved and underserved areas for the gay, lesbian, bisexual, and transgender community. The DHS shall provide financial and technical assistance to local domestic violence centers in implementing all of the following services:

- (1) Twenty-four-hour crisis hotlines.
- (2) Counseling.
- (3) Court and social service advocacy.
- (4) Legal assistance with temporary restraining orders, devices, and custody disputes.

1 (5) Community resource and referral.

2 (6) Household establishment assistance.

3 (c) Except as provided in subdivision (f), the DHS shall  
4 allocate funds to local centers meeting the criteria for funding.  
5 All organizations funded pursuant to this section shall utilize  
6 volunteers to the greatest extent possible.

7 The centers may seek, receive, and make use of any funds  
8 which may be available from all public and private sources to  
9 augment any state funds received pursuant to this section.

10 Centers receiving funding shall provide cash or an in-kind  
11 match of at least 10 percent of the funds received pursuant to this  
12 section.

13 (d) The Office of Emergency Services (OES) shall conduct  
14 statewide training workshops on domestic violence for local  
15 centers, law enforcement, and other service providers designed to  
16 enhance service programs. The workshops shall be planned in  
17 conjunction with practitioners and experts in the field of  
18 domestic violence prevention.

19 (e) The DHS shall, using funds from the Equality in Domestic  
20 Abuse Prevention and Services Fund, established pursuant to  
21 Section 298 of the Family Code, develop and disseminate  
22 throughout the state a lesbian, gay, bisexual, and transgender  
23 specific domestic abuse brochure.

24 (f) The funding process for distributing grant awards to  
25 domestic violence shelter service providers (DVSSPs) primarily  
26 serving the gay, lesbian, bisexual, and transgender community  
27 shall be administered by the DHS as follows:

28 (1) The DHS shall establish each of the following:

29 (A) The process and standards for determining whether to  
30 grant, renew, or deny funding to any DVSSP applying or  
31 reapplying for funding under the terms of the program.

32 (B) For DVSSPs applying for grants under the RFP process  
33 described in paragraph (2), a system for grading grant  
34 applications in relation to the standards established pursuant to  
35 subparagraph (A), and an appeal process for applications that are  
36 denied. A description of this grading system and appeal process  
37 shall be provided to all DVSSPs as part of the application  
38 required under the RFP process.

39 (C) For DVSSPs reapplying for funding under the RFA  
40 process described in paragraph (4), a system for grading the

1 performance of DVSSPs in relation to the standards established  
2 pursuant to subparagraph (A), and an appeal process for  
3 decisions to deny or reduce funding. A description of this grading  
4 system and appeal process shall be provided to all DVSSPs  
5 receiving grants under this program.

6 (2) Grants for shelters that were not funded in the previous  
7 cycle shall be awarded as a result of a competitive request for  
8 proposal (RFP) process. The RFP process shall comply with all  
9 applicable state and federal statutes for domestic violence shelter  
10 funding, and to the extent possible, the response to the RFP shall  
11 not exceed 25 narrative pages, excluding attachments.

12 (3) Grants shall be awarded to DVSSPs that propose to  
13 maintain shelters or services previously granted funding pursuant  
14 to this section, to expand existing services or create new services,  
15 or to establish new domestic violence shelters in underserved or  
16 unserved areas. Each grant shall be awarded for a three-year  
17 term.

18 (4) DVSSPs reapplying for grants shall not be subject to a  
19 competitive grant process, but shall be subject to a request for  
20 application (RFA) process. The RFA process shall consist in part  
21 of an assessment of the past performance history of the DVSSP  
22 in relation to the standards established pursuant to paragraph (1).  
23 The RFA process shall comply with all applicable state and  
24 federal statutes for domestic violence center funding, and to the  
25 extent possible, the response to the RFA shall not exceed 10  
26 narrative pages, excluding attachments.

27 (5) Any DVSSP funded through this program in the previous  
28 grant cycle, including any DVSSP funded by Chapter 707 of the  
29 Statutes of 2001, shall be funded upon reapplication, unless,  
30 pursuant to the assessment required under the RFA process, its  
31 past performance history fails to meet the standards established  
32 by the DHS pursuant to paragraph (1).

33 (6) The DHS shall conduct a minimum of one site visit every  
34 three years for each DVSSP funded pursuant to this subdivision.  
35 The purpose of the site visit shall be to conduct a performance  
36 assessment of, and provide subsequent technical assistance for,  
37 each shelter visited. The performance assessment shall include,  
38 but need not be limited to, a review of all of the following:

39 (A) Progress in meeting program goals and objectives.

40 (B) Agency organization and facilities.

1 (C) Personnel policies, files, and training.

2 (D) Recordkeeping, budgeting, and expenditures.

3 (E) Documentation, data collection, and client confidentiality.

4 (7) After each site visit conducted pursuant to paragraph (6),  
5 the DHS shall provide a written report to the DVSSP  
6 summarizing the performance of the DVSSP, any deficiencies  
7 noted, any corrective action needed, and a deadline for corrective  
8 action to be completed. The DHS shall also develop a corrective  
9 action plan for verifying the completion of any corrective action  
10 required. The DHS shall submit its written report to the DVSSP  
11 no more than 60 days after the site visit. No grant under the RFA  
12 process shall be denied if the DVSSP has not received a site visit  
13 during the previous three years, unless the DHS is aware of  
14 criminal violations relative to the administration of grant funding.

15 (8) DVSSPs receiving written reports of deficiencies or orders  
16 for corrective action after a site visit shall be given no less than  
17 six months' time to take corrective action before the deficiencies  
18 or failure to correct may be considered in the next RFA process.  
19 However, the DHS shall have the discretion to reduce the time to  
20 take corrective action in cases where the deficiencies present a  
21 significant health or safety risk or when other severe  
22 circumstances are found to exist. If corrective action is deemed  
23 necessary, and a DVSSP fails to comply, or if other deficiencies  
24 exist that, in the judgment of the DHS, cannot be corrected, the  
25 DHS shall determine, using its grading system, whether  
26 continued funding for the DVSSP should be reduced or denied  
27 altogether. If a DVSSP has been determined to be deficient, the  
28 DHS may, at any point during the DVSSP's funding cycle  
29 following the expiration of the period for corrective action, deny  
30 or reduce any further funding.

31 (9) If a DVSSP applies or reapplies for funding pursuant to  
32 this section and that funding is denied or reduced, the decision to  
33 deny or reduce funding shall be provided in writing to the  
34 DVSSP, along with a written explanation of the reasons for the  
35 reduction or denial made in accordance with the grading system  
36 for the RFP or RFA process. Except as otherwise provided, any  
37 appeal of the decision to deny or reduce funding shall be made in  
38 accordance with the appeal process established by the DHS. The  
39 appeal process shall allow a DVSSP a minimum of 30 days to  
40 appeal after a decision to deny or reduce funding. All pending

1 appeals shall be resolved before final funding decisions are  
2 reached.

3 (10) It is the intent of the Legislature that priority for  
4 additional funds that become available shall be given to currently  
5 funded, new, or previously unfunded DVSSPs for expansion of  
6 services. However, the DHS may determine when expansion is  
7 needed to accommodate underserved or unserved areas. If  
8 supplemental funding is unavailable, the DHS shall have the  
9 authority to lower the base level of grants to all currently funded  
10 DVSSPs in order to provide funding for currently funded, new,  
11 or previously unfunded DVSSPs that will provide services in  
12 underserved or unserved areas. However, to the extent  
13 reasonable, funding reductions shall be reduced proportionately  
14 among all currently funded DVSSPs. After the amount of  
15 funding reductions has been determined, DVSSPs that are  
16 currently funded and those applying for funding shall be notified  
17 of changes in the available level of funding prior to the next  
18 application process. Funding reductions made under this  
19 paragraph shall not be subject to appeal.

20 (11) Notwithstanding any other provision of this section, DHS  
21 may reduce funding to a DVSSP funded pursuant to this section  
22 if federal funding support is reduced. Funding reductions as a  
23 result of a reduction in federal funding shall not be subject to  
24 appeal.

25 (12) Nothing in this section shall be construed to supersede  
26 any function or duty required by federal acts, rules, regulations,  
27 or guidelines for the distribution of federal grants.

28 (13) As a condition of receiving funding pursuant to this  
29 section, DVSSPs shall do all of the following:

30 (A) Provide matching funds or in-kind contributions  
31 equivalent to not less than 10 percent of the grant they would  
32 receive. The matching funds or in-kind contributions may come  
33 from other governmental or private sources.

34 (B) Ensure that appropriate staff and volunteers having client  
35 contact meet the definition of “domestic violence counselor” as  
36 specified in subdivision (a) of Section 1037.1 of the Evidence  
37 Code. The minimum training specified in paragraph (2) of  
38 subdivision (a) of Section 1037.1 of the Evidence Code shall be  
39 provided to those staff and volunteers who do not meet the

1 requirements of paragraph (1) of subdivision (a) of Section  
2 1037.1 of the Evidence Code.

3 (14) The following definitions shall apply for purposes of this  
4 subdivision:

5 (A) “Domestic violence” means the infliction or threat of  
6 physical harm against past or present adult or adolescent intimate  
7 partners, including physical, sexual, and psychological abuse  
8 against the person, and is a part of a pattern of assaultive,  
9 coercive, and controlling behaviors directed at achieving  
10 compliance from or control over that person.

11 (B) “Domestic violence shelter service provider” or “DVSSP”  
12 means a victim services provider that operates an established  
13 system of services providing safe and confidential emergency  
14 housing on a 24-hour basis for victims of domestic violence who  
15 are members of the gay, lesbian, bisexual, and transgender  
16 community and their children, including, but not limited to, hotel  
17 or motel arrangements, haven, and safe houses.

18 (C) “Emergency shelter” means a confidential or safe location  
19 that provides emergency housing on a 24-hour basis for victims  
20 of domestic violence and their children.

21 (g) The DHS may hire the support staff and utilize all  
22 resources necessary to carry out the purposes of this section. The  
23 DHS shall not utilize more than 10 percent of any funds  
24 appropriated for the purpose of the program established by this  
25 section for the administration of that program.